

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-275-S

Application of Condor Environmental, Inc., Requesting an Expansion of its Existing Sewer Service Area to Include Certain Portions of Anderson County and Saluda County and Approval of Agreement.

**CONDOR ENVIRONMENTAL, INC.'S
REPLY TO ORS RESPONSE TO
MOTION TO ALLOW SERVICE ON A
PROVISIONAL BASIS**

Condor is encouraged by ORS's recommendation it be allowed to provisionally serve the Carriage Hill subdivision but disagrees with the agency's recommendation the Commission deny service to Palmetto Pointe. Condor also must respond to ORS's incomplete portrayal of the company and the events leading to its motion.

ORS's review of Condor's application has been ongoing for several months. As the Commission is aware, Condor first applied to serve the subdivisions on August 13, 2020. *See* Docket No. 2020-192-S. On August 17, 2020, ORS requested the Commission not vote on the application, because its review of the application was ongoing. Letter of Andrew Bateman, August 17, 2020. The Commission had its own questions about the application, including whether the company was applying for new rates, which it raised by directives on August 18, 2020 and September 2, 2020. Order 2020-557 and Order 2020-584.

Condor hired regulatory counsel and withdrew its application on September 25, 2020, while it worked with ORS to find a path forward. Discussions with ORS have continued since then. In the meanwhile, homes are under construction in Palmetto Pointe and people are moving into Carriage Hill. Cognizant of this, Condor filed the instant application on November 14, 2020,

requesting approval to serve the subdivisions charging previously approved rates.¹ With ORS's review of the application continuing, and no resolution in sight, Condor moved to serve Palmetto Pointe and Carriage Hill on a provisional basis. The motion seeks to provide customers in these subdivisions needed sewer service with no risk they will be adversely affected. Condor stated in its motion that, in the unlikely event the Commission ultimately deems lower rates are warranted for its service, the company would issue refunds or credits to its customer, but if higher rates are ordered, it would not seek recovery retroactively.

ORS's recommendation that the Commission deny Condor request to provisionally serve Palmetto Pointe until the petitions to intervene of Saluda County Water and Sewer Authority ("SCWSA"), American Land Holding, LLC, Palmetto Pointe Development Company, and Palmetto Pointe Homeowners Association, are decided ignores the imminent need for sewer service of the subdivision's residents (the first of whom are expected to move in at the end of the month). Indeed, their need for service is the very reason the Palmetto Pointe intervenors filed their petition to intervene. Condor has explained why SCWSA lacks standing to intervene, but the company's provisional service to Palmetto Pointe customers need not affect the Commission's determination of that issue. Condor has requested permission to serve Palmetto Pointe on a provisional basis. If the Commission ultimately comes to a different conclusion as to who may serve the drain field at Palmetto Pointe, a change could be made at that time. Neither petition for intervention is a valid reason for denying service to sewer customers who need it.

Condor is pleased with ORS's recommendation that it be allowed to serve Carriage Hill on a provisional basis and does not object to giving notice to homeowners in the subdivision.

¹ ORS cites Condor's amended application filed on November 19, 2020 as the beginning of this docket, but the only amendment made was a correction of the caption.

Condor's record of customer service is unblemished, and the company is confident that customers will support its application.

However, Condor disagrees with ORS's characterization of its service at the Carriage Hill subdivision as "not lawful". ORS Response, ¶¶ 10-13. It was lawful for Condor to serve eight homeowners in Carriage Hill because Condor has done so without compensation. S.C. Code § 58-5-10 (a public utility provides service "for compensation"). Condor should be commended, not maligned, for stepping up to Carriage Hill's homeowners at a loss. As ORS acknowledges, new homeowners continue to move into the subdivision, and they need sewer service. Allowing Condor to serve these customers on a provisional basis serves the public interest.

ORS also paints an overly negative picture of the events involving Condor's agreement to serve Carriage Hill, highlighting the fact that Condor contracted to serve Carriage Hill on June 7, 2018 without Commission approval. Condor has acknowledged this oversight; however, two years passed before homes in the subdivision would actually require service. Condor only began inspecting sewer taps in Carriage Hill on August 23, 2020, ten days after Condor's first application was filed.

CONCLUSION

Condor is serious about complying with the Commission's regulations. As the Commission is aware, Condor has new management, and has hired regulatory counsel. Condor has been—and will continue to be—forthcoming with the Commission and the ORS. Condor responded to an extensive bill statement review from ORS on November 23, 2020. The company was also served with ORS' first formal discovery request on December 11, 2020 and will timely respond to that request. Condor's motion allows this process to continue.

The question now before the Commission is whether Condor should be allowed to provide sewer service to customers in Palmetto Pointe and Carriage Hill charging rates previously approved by the Commission on a provisional basis. The public interest is served by allowing Condor to do so.

Respectfully submitted,

s/ Charlie Terreni

Date: December 13, 2020

Charles L.A. Terreni
TERRENI LAW FIRM, LLC
1508 Lady Street
Columbia, South Carolina 29201
Tel. (803) 771-7228
charles.terreni@terrenilaw.com
SC Bar. No. 15235